
UTAH LABOR COMMISSION

MARK WIEKING,

Petitioner,

vs.

**FARLEY SERVCO, INC. and
ZENITH INSURANCE COMPANY,**

Respondents.

**ORDER AFFIRMING
ALJ'S DECISION**

Case No. 06-0594

Mark Wieking asks the Utah Labor Commission to review Administrative Law Judge Hann's denial of Mr. Wieking's claim for benefits under the Utah Workers' Compensation Act, Title 34A, Chapter 2, Utah Code Annotated.

The Labor Commission exercises jurisdiction over this motion for review pursuant to Utah Code Annotated § 63-46b-12 and § 34A-2-801(3).

BACKGROUND AND ISSUE PRESENTED

Mr. Wieking filed a claim for benefits from Farley Servco, Inc. and its insurance carrier Zenith Insurance Company (hereafter referred to jointly as "Servco") for a work-related accident that occurred on December 15, 2000. Judge Hann awarded temporary total disability compensation but dismissed Mr. Wieking's claim for permanent partial disability.

Mr. Wieking's motion for review of Judge Hann's decision attempts to submit new medical evidence, presumably to establish his right to permanent partial disability compensation.

FINDINGS OF FACT

The Commission adopts the findings of fact and conclusions set forth in Judge Hann's decision.

DISCUSSION AND CONCLUSION OF LAW

The only issue for review is whether the Commission should permit Mr. Wieking's untimely submission of medical evidence. It was Mr. Wieking's burden at the evidentiary hearing to provide the medical evidence necessary to support his workers' compensation claim. Absent a showing of good cause, the Commission will not consider medical evidence that is submitted for the first time as part of the review process. Furthermore, the Commission notes that the content of Mr. Wieking's new medical evidence does not support his claim for permanent partial disability compensation.

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ORDER

The Commission affirms Judge Hann's decision. It is so ordered.

Dated this 17th day of March, 2008.

Sherrie Hayashi
Utah Labor Commissioner

NOTICE OF APPEAL RIGHTS

Any party may ask the Labor Commission to reconsider this Order. Any such request for reconsideration must be received by the Labor Commission within 20 days of the date of this order. Alternatively, any party may appeal this order to the Utah Court of Appeals by filing a petition for review with the court. Any such petition for review must be received by the court within 30 days of the date of this order.